

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOANCARE, LLC,

Plaintiff,

-v-

DIMONT & ASSOCIATES, LLC et al.,

Defendants.

22-CV-9286 (JMF)

MEMORANDUM OPINION
AND ORDER

JESSE M. FURMAN, United States District Judge:

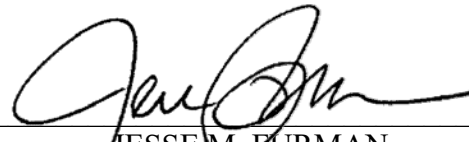
Defendant Investor Claim Solutions, LLC (“ICS”) moves to dismiss for lack of personal jurisdiction. *See* ECF No. 26. Upon review of the parties’ motion papers, the Court DENIES the motion substantially for the reasons set forth in Plaintiff’s opposition. *See* ECF No. 30. Put simply, the well-pleaded allegations in the Fourth Amended Complaint, *see, e.g.*, ECF No. 25, ¶¶ 39-48, establish a *prima facie* showing that ICS is bound by the forum selection clause in the Master Services Agreement, which is sufficient at this stage of the litigation, *see, e.g., Int’l Priv. Satellite Partners, L.P. v. Lucky Cat Ltd.*, 975 F. Supp. 483, 485-86 (W.D.N.Y. 1997) (denying a motion to dismiss for lack of personal jurisdiction in similar circumstances). ICS’s arguments to the contrary turn on factual disputes that cannot be resolved on the present record.

ICS shall file an answer **within fourteen days** of the date of this Memorandum Opinion and Order. *See* Fed. R. Civ. P. 12(a)(4)(A). Counsel should discuss, and be prepared to address at the initial pretrial conference on March 1, 2023, whether or to what extent there should be bifurcated or expedited discovery relating to ICS’s personal jurisdiction. *See Lucky Cat Ltd.*, 975 F. Supp. at 487 (authorizing limited jurisdictional discovery and noting that the defendant could “renew is motion to dismiss, if appropriate,” thereafter). **The time of the initial pretrial conference on March 1, 2023, which will be held by telephone, is hereby CHANGED to 10:00 a.m.** The call-in information remains the same. *See* ECF No. 29.

The Clerk of Court is directed to terminate ECF No. 26.

SO ORDERED.

Dated: February 9, 2023
New York, New York



JESSE M. FURMAN
United States District Judge